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| 09/238,261 | 01/27/1999 | HAJIME INOUE | SONYJP3.0-05 | 6539 |

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| EXAMINER |
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SHANG, ANNAN Q

| ART UNIT | PAPER NUMBER |
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2614

DATE MAILED: 06/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/238,261

Applicant(s)

INOUE ET AL.

Examiner

Annan Q Shang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32,33,36-38,40,41,43-45 and 47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33 and 41 is/are allowed.
- 6) ☒ Claim(s) 32,36,37,40,43,44 and 47 is/are rejected.
- 7) ☒ Claim(s) 38 and 45 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 32, 36-38, 40, 43-45 and 47, have been considered but are have been fully considered but they are not persuasive. With respect to independent claims 32, 40 and 47, Applicant argues that Suematsu et al (6,111,872) use of a random number value in determining a retransmission time after a first transmission, and the retransmission using a random number does not met transmitting of selection history information at a random time. Examiner disagrees with Applicant for the following reasons: The use of Suematsu is not directed to teach retransmitting data randomly from a server to a client device or vice versa, but rather to indicate that, a master station generates a random number value corresponding to a prescribed time from a random number generator before transmitting data to a destination, and further one advantage is to provide flexibility of transmitting data at anytime, from a client to server or vice versa. Applicant's arguments appear to be without merit and rejections, discussed below, are maintained. This is a Final Office Action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 32, 36-38, 40, 43-45 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Aras et al (5,872,588)** and further in view of **Suematsu et al (6,111,872)**.

As to Claim 32, note the Aras et al reference Figures 1 and 15, teach a broadcast-program selection history Information acquisition apparatus for acquiring selection history information of broadcast programs selected out of broadcast programs of a plurality of channels. The claimed broadcast-program selection history acquisition apparatus comprising... is met as follows: storage means, Memory 1706, for storing selection information of the selected broadcast programs at predetermined acquisition times, note col. 14, lines 44-67, and transmission means, Communication Adapter Controller 1557, for transmitting the selection history information which is composed of a plurality of pieces of the selection information stored at a plurality of said acquisition times, to a notification destination, Behavior Collection Center (BCT) 121, at a predetermined transmission timing, note col. 14, lines 44-67 and col. 17, lines 40-56. But Aras, fails to specifically transmission timing assigned at random in accordance with an intrinsic random number. However, note the **Suematsu** reference Figures 1 and 4 teaches a master station transmitter 11 performing continuous operations is communicatively coupled with a plurality of stations performing transmission/receiving operation and where the master station generates a random number value corresponding to a prescribed time from a random number generator before transmission to a destination, note col. 2, lines 32-60.

Therefore the examiner submits that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Suematsu into the system of Aras in order provide flexibility of transmitting data at anytime, from a client to a server or vice versa.

As to claim 36, Aras further discloses a broadcast-program selection history information acquisition apparatus where the selection information is composed of channel number information of the selected broadcast program and time information showing the time when the broadcast program is selected, Figure 14, note col. 14, line 66-col. 18, line 9.

As to Claim 37, Aras further discloses a broadcast-program selection history information acquisition apparatus where the selection history information includes an identification number intrinsically assigned to the broadcast program selection history information acquisition apparatus, note figure 14.

As to claim 40, note the **Aras et al** reference Figures 1 and 15, teach a broadcast-program selection history Information acquisition method for acquiring selection history information of broadcast programs selected out of broadcast programs of a plurality of channels. The claimed broadcast-program selection history acquisition apparatus comprising...is met as follows: storing Memory 1706, selection information of the selected broadcast programs at predetermined acquisition times, note col. 14, lines 44-67, transmitting Communication Adapter Controller 1557, the selection history information which is composed of a plurality of pieces of the selection information stored at a plurality of said acquisition times, to a notification destination, Behavior Collection

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Center (BCT) 121, at a predetermined transmission timing, note col. 14, lines 44-67 and col. 17, lines 40-56. But Aras, fails to specifically transmission timing assigned at random in accordance with an intrinsic random number. However, note the **Suematsu** reference Figures 1 and 4 teaches a master station transmitter 11 performing continuous operations is communicatively coupled with a plurality of stations performing transmission/receiving operation and where the master station generates a random number value corresponding to a prescribed time from a random number generator before transmission to a destination, note col. 2, lines 32-60.

Therefore the examiner submits that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Suematsu into the system of Aras in order provide flexibility of transmitting data at anytime, from a client to a server or vice versa.

As to claim 43, Aras further discloses a broadcast-program selection history information acquisition method where the selection information is composed of channel number information of the selected broadcast programs and time information showing the times when the broadcast programs are selected, note Figure 14, note col. 14, line 66-col. 18, line 9.

As to Claim 44, Aras further discloses a broadcast-program selection history information acquisition method wherein the selection history information includes an identification number intrinsically assigned to the broadcast program selection history information acquisition apparatus, note Figure 14

As to Claim 47, note the **Aras et al** reference Figures 1 and 15, teach an apparatus for use in acquiring selection history information. The claimed apparatus comprising...is met as follows: a front end, Channel Selector 1558, for receiving a signal and providing therefrom a selected broadcast program, note figure 15, a memory, Memory 1706, for storing selection information of associated with the selected broadcast programs, note col. 14, lines 44-67, a transmitter, Communication Adapter Controller 1557, for transmitting a signal representative of audience rating data based on the stored selection information, note col. 14, lines 44-67. But Aras fails to specifically teach a random number generator and a transmitter for transmitting a signal of the audience rating based on the stored selection information where the signal is transmitted as a function of a random number generated by the random number generator. However, note the **Suematsu** reference Figures 1 and 4 teaches a master station transmitter 11 performing continuous operations is communicatively coupled with a plurality of stations performing transmission/receiving operation and where the master station, a random number generator 114, that generates a random number value corresponding to a prescribed time before transmission to a destination, note col. 2, lines 32-60.

Therefore the examiner submits that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Suematsu into the system of Aras in order provide flexibility of transmitting data at anytime, from a client to a server or vice versa.

Allowable Subject Matter

4. Claims 33 and 41 are allowed.
5. Claim 38 and 45, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the based claim and any intervening claims.

As to claims 38 and 45, the prior art of records Aras et al, teach a broadcast-program selection history Information acquisition apparatus for acquiring selection history information of broadcast programs selected out of broadcast programs of a plurality of channels, storing selection information of the selected broadcast programs at predetermined acquisition times and transmission means for transmitting the selection history information to a notification destination at an intrinsically assigned predetermined transmission timing. Suematsu teaches a transmitter that generates a random number value corresponding to a prescribed time before transmission to a destination. However neither Aras nor Suematsu and any of the cited references teach, transmitting the selection history information to the notification destination through a predetermined line at the transmission timing, and where the broadcast-program selection history information apparatus changes the setting of the predetermined acquisition times and/or the setting of the transmission timing based on a change command transmitted from the notification destination through the line

The following is an examiner's statement of reasons for allowance:

With respect to claims 33 and 41, the prior art of records Aras et al, teach a broadcast-program selection history Information acquisition apparatus for acquiring

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selection history information of broadcast programs selected out of broadcast programs of a plurality of channels, storage means, for storing selection information of the selected broadcast programs at predetermined acquisition times and transmission means for transmitting the selection history information which is composed of a plurality of pieces of the selection information stored at a plurality of the acquisition times, to a notification destination at an intrinsically assigned predetermined transmission timing. Suematsu teaches a transmitter that generates a random number value corresponding to a prescribed time before transmission to a destination. However neither Aras nor Suematsu and any of the cited references teach transmission means, transmits the selection history information through a predetermined telephone line, and decides the predetermined transmission timing based on a telephone number assigned to the telephone line, which novel features are recited in the instant invention with respect to independent claims 33 and 41.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bhusri (6,430,286) discloses service and information management system for a telecommunication network.

Peavey et al (5,533,103) disclose calling system and method.

Hanaoka et al (5,612,993) disclose facsimile communication system.

Hanson et al (5,600,712) disclose enabling technique for quickly establishing high speed PSTN connections in telecommuting applications.

Akhteruzzaman (5,828,748) disclose a method for customizing operation of a line interface circuit in a telecommunications network.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Annan Q Shang whose telephone number is 703-305-2156. The examiner can normally be reached on 700am-500pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Miller can be reached on 703-305-4795. The fax phone numbers

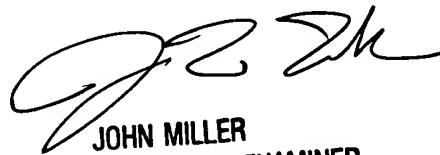
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for the organization where this application or proceeding is assigned are 703-746-5991 for regular communications and 703-746-5991 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service whose telephone number is 703-306-0377.



Annan Q. Shang
May 30, 2003



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600